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FILED

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FEB - 7 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA)	JUDGE JOHN W DARRAH
)	
v.)	No. 08 CR 52
)	
JESUS M. RIVERA and)	Violations: Title 21, United States Code,
PERRY D. BLACK)	Section 846.

COUNT ONE

MAGISTRATE JUDGE ASHMAN

The SPECIAL AUGUST 2006-2 GRAND JURY charges:

Beginning no later than on or about January 17, 2008, and continuing until on or about January 18, 2008, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

JESUS M. RIVERA and
PERRY D. BLACK,

defendants herein, did conspire with each other and others known and unknown to the Grand Jury, to knowingly and intentionally possess with intent to distribute a controlled substance, namely, 5 kilograms or more of mixtures containing cocaine, a Schedule II Narcotic Drug Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1);

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

The SPECIAL AUGUST 2006-2 GRAND JURY further charges:

On or about January 18, 2008, at Chicago, in the Northern District of Illinois, Eastern Division,

JESUS M. RIVERA and
PERRY D. BLACK

defendants herein, did attempt to knowingly and intentionally possess with intent to distribute a controlled substance, namely, 500 grams or more of mixtures containing cocaine, a Schedule II Narcotic Drug Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1);

In violation of Title 21, United States Code, Section 846.

FORFEITURE ALLEGATION

The SPECIAL AUGUST 2006-2 GRAND JURY further charges that:

1. The allegations of Counts One and Two are realleged and fully incorporated herein for the purpose of alleging forfeiture to the United States pursuant to Title 21, United States Code, Section 853.

2. As a result of the violations alleged in Counts One and Two of the foregoing Indictment,

JESUS M. RIVERA and
PERRY D. BLACK

defendants herein, shall forfeit to the United States pursuant to Title 21, United States Code, Section 853(a): (1) any and all right, title, and interest they may have in any property, real and personal, which constitutes and is derived from proceeds traceable to the offenses as charged in this indictment; and (2) any and all right, title, and interest they may have in any property, real and personal, which was used, and intended to be used, in any manner or part, to commit, and to facilitate the commission of the offenses charged in the indictment.

3. The interests of the defendants, jointly and severally, subject to forfeiture to the United States pursuant to Title 21, United States Code, Section 853, include but are not limited to funds in the amount of \$43,384 seized from RIVERA and BLACK on January 18, 2008.

4. If any of the forfeitable property described above, as a result of any act or omission by the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to the provisions of Title 21, United States Code, Section 853(p).

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY